

WORSE THAN BELGIUM.

Herman Bernstein in to-morrow's
SUN, tells of the Jewish massa-
cres in the Polish provinces.

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KLEIST TALKS \$250,000 SUIT INTO MISTRIAL

Interview Given to Press
Stops Action Against
Breitungs.

JUDGE HAND ANGERED BY TALE OF ASSAULT

Judge Learned Hand declared a mistrial yesterday in the suit of Max Kleist against his parents-in-law, Mr. and Mrs. Edward N. Breitung, for \$250,000 for alienation of Juliet Breitung Kleist's affections. The judge's reason for his action was an interview which Kleist had given to certain afternoon newspapers on Thursday, saying his life had been threatened. The SUN did not publish the interview.

Judge Hand was especially emphatic in his denunciation of newspapers that printed such an interview while the case was on trial. He threw out the case because he feared the jurors might have been influenced by reading it. He said that "in any civilized community such things would not be tolerated."

Kleist, it appears, did not volunteer the statement to which the judge took exception, but on Thursday he was questioned about a report that he had been attacked. He admitted such was the case and said his life had been threatened.

True, Kleist admits. When Dr. Lancelotti, attorney for the defendants, reached court yesterday immediately called to the attention of the judge the interview in question and handed him several newspapers.

The judge took them under consideration, reading the excerpts at times while William Johns, a witness for the defense, was on the stand. Then he asked the jurors for ten minutes called the opposing counsel to him and asked the jurors for the defense to read the excerpts.

"Is there any statement you care to make?" "Only that it is true."

"That you made the statement?" "Yes, and that the assaults did occur. Some reporter had got the story wrong and asked me about it. I said it was true."

The judge, satisfied with his invention, said to T. C. Crowley, attorney for Kleist, "The newspaper is responsible for this, but your client also is to blame."

Judge Hand called in the jurors and then made to them the following statement: "I am going to bring this trial to an end and discharge you from further consideration of it. My reason for doing this is the extreme abuse of the press of this city in reporting this case while it has been going on. They have printed publicly, and no doubt many of you have read them, statements made by the plaintiff which were made on the stand and which were of an exceedingly prejudicial character to the defendants. They have gone so far as to state that the plaintiff had told them that he had been assaulted both here and in New Mexico, the obvious and necessary inference of which was that there was a connection between those assaults and the defendants."

"I need hardly tell you, I think, that in any civilized community where there is a sentiment of fairness and justice and the feeling of the necessity of a fair trial for all men it would be impossible that such things would be tolerated. That the press of a great city should make comments during the pendency of a trial of statements made to them of such a character outside of court by one of the parties is a final instance of the impossibility of justice in the community where it occurs."

"If that had been done without the concurrence of the plaintiff we should have to worry along as best we could, but where such statements emanate from the plaintiff, as the plaintiff in this case says they did, although he did not volunteer them, it is perfectly obvious that the delay in going to trial, whatever it may be, of a new trial, should fall upon a party who has done this—the plaintiff is obvious."

"I have therefore concluded in this case to discharge you from further consideration of the case and to declare a mistrial for the reasons which have been mentioned to you. The case is going to be sent to the foot of the calendar."

A Blow to Kleist. The decision was a severe disappointment to Kleist. He sat hunched in his chair and his lawyer, going to him, tapped him on the shoulder, saying, "Brace up!"

"It's rotten," answered Kleist, "but he's better get out of town and go back home. The whole case sickens me."

Mr. Crowley said he was greatly disappointed. "I am sure," he continued, "endeavoring to my utmost to bring the case to a speedy trial."

Both Mr. Nicol and his partner, Courtlandt V. Arable, seemed pleased with the outcome. Mr. Breitung also seemed pleased, but angry at the newspapers. With his daughter standing near he said:

"The statements made in the newspapers have been prejudicial to the case. They have been libelous and scandalous. They attempt to wreck a young woman's character."

They were decidedly unfair," said Mrs. Kleist.

Mr. Breitung said his wife held the same view as he did.

Is there likely to be any reconciliation?" he was asked.

"Ask the girl," replied the father with a smile, and the girl shook her head.

Judge Hand called Mr. Nicol to the stand and talked with him about the interviews in the newspapers. He was overheard advising Mr. Nicol to look into the law and see whether any action could be taken against the newspapers that printed the interview. When asked whether if he had given such interviews he would be asked any questions, he decided to make any comment.

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Jersey's Suffrage Bill Put in Peril by a Single Comma

Omission May Give the Votes
for Women Measure An-
other Setback.

TRENTON, N. J., Feb. 12.—Omission of a comma from the proposed amendment to the Constitution as passed by the House of Assembly has caused as much consternation among the woman suffragists of New Jersey as might be expected among a herd of elephants on the appearance of a mouse. Whether the comma really was omitted will form the subject of an official inquiry. At all events there is many an anxious suffragist in New Jersey.

To amend the New Jersey Constitution it is necessary that two successive Legislatures shall indorse any proposed amendment before its submission to the people. Necessarily the amendments must be identical, even to punctuation. In the equal suffrage amendment passed last year a comma was inserted after the word "provided" in a clause beginning "And provided, further, that in time of war, &c."

This comma was duly included in the concurrent resolution introduced this year by Mr. Peacock, but when the measure reached the hands of Capt. James Parker, supervisor of bills of the House, and a grammarian of no mean reputation, he decided that the comma following the word "provided" was mere surplusage. At any rate, it was not called for in Capt. Jim's edition of Hovle.

Back went the printed bill to the State Printer with the deletion of the comma, and in due course came back an "official copy reprint" of the bill minus the comma.

Now the question at issue is whether the comma was in the bill as it passed the House or was deleted before the resolution went to the Senate, where it is scheduled to come up on third reading next Monday night.

Capt. Parker assured THE SUN correspondent to-day that the omission of the comma was discovered by Assemblyman Peacock before the resolution came before the House and was duly inserted before the bill came up. Others who have investigated, however, assert that the comma was replaced subsequent to the passage of the resolution, a circumstance which might afford ground for an attack on the resolution.

It now develops that the delay in sending the resolution to the Senate and its consideration by that body was due to a controversy over the comma. This fact in itself has sufficed to put the suffragists on their guard.

When it is recalled that owing to an apparent oversight in advertising the woman suffrage amendment in 1913 action on the question was deferred for a year, it is not surprising that the suffragists have some ground for watching every move of the present Legislature. Should it develop that the comma measure was omitted from the bill, the suffragists would be forced to amend by inserting it in the Senate and then returning it to the House.

TOO FAT FOR MORTAL WOUND.
Man Weighing 450 Pounds Dies
In Vain to End His Life.

WASHINGTON, Feb. 12.—George C. Mountcastle, 68 years old and weighing 450 pounds, attempted to end his life by jumping into his left barrel, but the bullets merely caused flesh wounds.

More artfully, he had been injured, according to physicians. He has been a well known figure around Washington. He formerly conducted a livery stable and had a large, heavily constructed buggy in which he rode around town.

Mountcastle has recently been conducting a road house here. He lost his house, and this, it is said, is the reason for his attempt to end his life.

GOSSAMER ROBE FOR ANGEL.
Canadian Exhibition Poster's Picture Shocked the Prudes.

TORONTO, Feb. 12.—The "Angel of Peace" poster for the Canadian National Exhibition poster for 1915 was made public, revealing the unblushing form of a female figure with a sword in an aspiring attitude suitable for the high ideal of a peace centenary year.

The picture was admired by artists and moralists alike. He has been a well known figure around Washington. He formerly conducted a livery stable and had a large, heavily constructed buggy in which he rode around town.

KASER SEES RETREAT OF CZAR'S ARMY

Arrives on Eastern Battle
Front as Russians
Retire.

GERMANS TAKE THE OFFENSIVE AGAIN

SUMMARY OF THE WAR NEWS.
The German General Staff reports that the Kaiser is on the East Prussian battlefield and that the Russians have been forced from their positions east of the Mazurian Lakes after an engagement in which the Germans took 26,000 prisoners. The capture of Sierpce in central Poland is announced.

Reports from Petrograd indicate that a great battle is beginning in East Prussia. The Russians admit their retirement in that region, where the Germans have been heavily reinforced. A complete victory in Poland is announced by the General Staff and the number of German dead is put at 40,000.

Thirty-four British seaplanes and aeroplanes, starting probably from Dunkirk, attacked Ostend, Bruges, Zeebrugge, Blankenberghe and Middelkerke, Belgian coast towns held by the Germans, for the purpose of destroying possible submarine bases. Great damage was done.

Ambassador Page and Sir Edward Grey, British Foreign Minister, had a long discussion yesterday over the United States note against the use of neutral flags by British mercantile shipping. The conference was friendly and British newspapers prophesy an amicable solution of the question.

The French War Office announces a brilliant feat of arms in the capture of Hill 957, north of Hattmansweiler Kopp in upper Alsace, by French troops.

26,000 RUSSIANS
TAKEN BY GERMANS
Berlin Official Statement Tells of
Mazurian Lakes Victory.

Special Cable Dispatch to THE SUN.
BERLIN, Feb. 12.—The German official statement issued to-day says that the Kaiser on the battlefield in East Prussia the Russians were compelled to retreat hastily from their positions east of the Mazurian Lakes. The Germans captured 26,000 prisoners and 20 guns in addition to other war material.

In central Poland, on the right bank of the Vistula, the Germans are prosecuting an offensive and have captured the town of Sierpce with several hundred prisoners. The situation on the left bank of the Vistula is unchanged.

The statement is as follows: "The Kaiser has arrived on the Eastern Prussian front. Our operations have forced the Russians to evacuate their positions east of the Mazurian Lakes. The fighting continues in some places. We captured several hundred prisoners, 20 guns and 36 machine guns. The amount of captured war material has not yet been ascertained."

On the right bank of the Vistula our troops are on the offensive. The town of Sierpce has been captured and several hundred prisoners taken. On the left bank of the Vistula the situation is unchanged.

After a long interval hostile warplanes yesterday appeared off the Belgian coast. Airmen of the enemy dropped bombs on Ostend.

On the western front there have been artillery combats, especially against our positions in Champagne, without the enemy gaining any significant successes. Near Soissons a French infantry attack was repulsed. We captured 129 prisoners.

The number of prisoners taken from the Argonne has been increased since yesterday by one officer and 119 men. North of Verdun several German machine guns were captured. Counter attacks under the protection of the Geneva flag (Red Cross) were repulsed with heavy losses to the enemy. German airmen fired from the fortress of Verdun and dropped some hundred bombs around Sedan.

The French captured a small trench in front of our position in the Vosges.

AUSTRIANS ADVANCE.
Vienna Announces Slow Progress
in the Carpathians.

Special Cable Dispatch to THE SUN.
VIENNA, Feb. 12.—An official statement issued this evening says:

In spite of the fierce resistance of the enemy and Russian reinforcements we are making progress slowly in the Carpathians.

In Bukovina we have been successful in reconquering our native soil and the Sereth line has been reached.

The statement issued this morning says:

Austro-Hungarian troops operating in the Carpathians have succeeded in breaking through the Russian front and have forced the Russians to retire to Skole.

The Austrians entrenched in positions in the region of Dukla Pass have checked all Russian attacks.

RETREAT "STRATEGIC."
Grand Duke Is Said to Have Driven
Germans On.

Special Cable Dispatch to THE SUN.
LONDON, Feb. 12.—There can be no doubt that preparations are being made for a big battle in East Prussia or in north Poland along the East Prussian frontier.

The Russians frankly admit their retreat.

Continued on Second Page.

34 AIRMEN RAID THE BELGIAN COAST, SHELLING GERMAN SUBMARINE BASES



LIEUT. J.C. PORTE.



COMMANDER SAMSON.

British Fliers Believed to
Have Destroyed Ostend
Railway Station.

GRAHAME WHITE IS
FLIGHT COMMANDER

Special Cable Dispatch to THE SUN.
LONDON, Feb. 12.—Thirty-four British seaplanes and aeroplanes—the greatest force of aerial craft ever assembled for a hostile purpose—left their base at Dover early this morning, sailed across the Channel and made a successful attack on five towns in Belgium, where the Germans were believed to be establishing submarine stations for raiding British mercantile shipping.

The expedition was under command of Wing Commander Samson, who had with him such noted fliers as Claude Grahame-White, now a Flight Commander, and Lieut. John Cyril Porte, who was to have made an attempt to fly across the Atlantic in Rodman Wanamaker's flying boat America but hurried home to resume his rank when war was declared. The America was subsequently bought by the British Admiralty for \$25,000 and may have been used to-day by Porte. He is known to have been flying the machine recently.

Two Machines Damaged.
All the aviators and their observers returned safely to the British base. The only mishaps were that two machines were damaged by the hail of shot which the Germans fired at the squadron when they had recovered from the surprise caused by the attack, and that Grahame-White fell into the sea off Neuport on the return and was a target for the enemy's guns until he was rescued by a French warship.

Grahame-White was taken to Dunkirk, little the worse for his mishap and joyful over the successful work of the aerial fleet. When he got there he learned that the British airmen with the expeditionary army had likewise performed a notable feat in driving the German army from the town of Sierpce, which the pilots plan staying in France for a brief spell before returning.

The Daily Chronicle correspondent at Dover describes the departure of Commander Samson's fleet as one of the most impressive spectacles in history. He says: "The aeroplanes and seaplanes made the most wonderful possible flight from England in a thick haze upon the sea, but the air was brilliantly clear above. They went one at a time in rapid succession, strung out like a flight of wild ducks. Their speed showed that they would make the Belgian coast in about twenty minutes. It is understood that the pilots plan staying in France for a brief spell before returning."

Took Germans Unawares.
The German fliers were taken unawares and no hostile craft were encountered by the British. The German aeroplanes and those in charge of the anti-aircraft fire were surprised and did not open fire until the British had swept by and the damage had been done. The British Admiralty report of the affair follows:

During the last twenty-four hours aeroplanes and seaplanes operations were carried out by the naval wing of the British Expeditionary Force in the Belgian coast towns of Ostend, Bruges and Zeebrugge with a view to preventing the development of submarine bases and establishing afloat.

Thirty-four naval aeroplanes and seaplanes took part in the attack and great damage is reported to have been done to the German positions at Ostend and Zeebrugge. The railway station at Blankenberghe was also damaged and the railway lines were torn up in many places. Bombs were dropped on gun positions at Middelkerke and also on the power station and on German mine sweeping vessels at Zeebrugge, but the damage done to them is not known.

During the attack the machines encountered heavy banks of snow. No submarines were seen in the attack. Flight Commander Claude Grahame-White fell into the sea off Neuport and was rescued by a French vessel, although exposed to a heavy fire from rifles, anti-aircraft guns, machine-guns and other cannon.

All the pilots are safe. Two machines were damaged. The seaplanes and aeroplanes were under command of Wing Commander Longmore and Squadron Commander Porter, Courtney and Rathborne.

It is believed that this is the largest force of aircraft yet used in combination for attack.

Answer to German Threats.
The London newspapers devote great attention to the raid, some of them calling it Britain's answer to Germany's threat of a blockade and the submarine attacks on mercantile shipping.

The naval critic of the Daily Chronicle says the expedition is the greatest of Wing Commander Samson, assisted by Wing Commander Longmore and Squadron Commander Porter, Courtney and Rathborne.

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